REMARKS

Claims 1-49 remain pending in the instant application. All claims presently stand rejected. Claims 1, 4, 13, 27, 35, 43, and 47 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-12 and 43-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Billock et al. (US 5,619,249).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Amended independent claim 1 recites, in pertinent part,

> broadcasting content descriptors, which describe available content **being considered for inclusion in a future broadcast schedule**, to one or more clients;
>
> receiving feedback from said one or more clients regarding the content descriptors, the feedback being an indication from said one or more clients of the relative desirability of the available content described by the content descriptors;
>
> refining a list of available content in response to the feedback **to create the future broadcast schedule**; and
>
> **broadcasting** content listed in the refined list of available content, **according to the future broadcast schedule**, to said one or more clients.

Applicants respectfully submit that Billock fails to disclose broadcasting content descriptor which describe available content being considered for inclusion in a future broadcast schedule. Furthermore, Billock fails to disclose refining a list of available content in response to feedback to create the future broadcast schedule.

Billock discloses a video on demand telecast service. Referring to FIG. 1 of Billock, telecasting facility 10 uses one of the programming channels telecasted to all viewing stations 14 (see FIG. 1 of Billock) for interactive applications like video on demand. This programming channel is referred to as the "interactive channel." Viewers can view previews of programs on the interactive channel. If they like a preview, the

viewer can then transmit a request command for the entire program using the interactive channel. "[S]uch commands may include a program selection command that **causes the telecasting facility 12 to telecast a program of interest on the interactive channel substantially at the time that the command is transmitted**." *Billock*, col. 4, lines 30-33.

Accordingly, Billock does not disclose using feedback from clients to refine a list of available content and create a future broadcast schedule. Rather, Billock simply discloses a video on demand service where a viewer can watch a preview on an interactive channel, select a particular program, and then receive that selected program for immediate viewing. In short, Billock fails to disclose or teach a technique of using client feedback to create a future broadcast schedule.

In contrast, the premise of video on demand is that the telecaster does not need to generate a future broadcast schedule, rather, it simply notifies viewer of available programming, and if a viewer selects one of the available programs the program is provided for immediate consumption. Hence the phrase "video on demand." Future broadcast schedules have no meaning in a video on demand service, since a requested program is provided to the viewer "substantially at the time that the [request for the programming] is transmitted."

Consequently, Billock fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Independent claims 4, 43, and 47 include similar novel elements as independent claim 1. Accordingly, Applicants request that the instant §102 rejections of claims 1, 4, 43, and 47 be withdrawn.

Claim 4

Amended independent claim 4 is novel and nonobvious for yet another independent reason. Independent claim 4 recites,

> broadcasting content descriptors ... to a plurality of clients;
> receiving first feedback from the plurality of clients regarding the content descriptors...;
> sorting the available content **in response to the first feedback from the plurality of clients**;
> ...

broadcasting at least a second portion of the available content **to the plurality of clients** in an order responsive to the next feedback from the plurality of clients according to the future broadcast schedule.

Billock discloses, "[a]lthough all of the viewing stations 14 receive all of the signals telecast on the interactive channel, **only the viewing station 14 that is used to select a particular program displays the selected program.**" *Billock*, col. 4, lines 34-37. "[M]any different viewing stations 14 on the network 10 may be used to view **different interactively selected programs** at the same time." *Billock*, col. 4, lines 40-42. "When ... telecasting facility 12 needs to transmit an entire video program to **one** of the viewing stations 14 (FIG. 1)." *Billock*, col. 6, lines 34-36.

Accordingly, Billock fails to disclose a process whereby feedback from a plurality of clients is used to change the content broadcast to the plurality of clients. In other words, Billock discloses a video on demand service whereby each viewing station 14 selects its own video on demand programming and does not alter the programming seen by other viewing stations 14. In contrast, claim 4 recites a method whereby the collective feedback from a plurality of clients changes a future broadcast schedule of content broadcast to the **plurality** of clients.

Consequently, Billock fails to disclose yet another element of claim 4. Accordingly, Applicants request that the instant §102 rejection of claims 4 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 13, 20-22, 25-27, 34, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Billock.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03.

Amended independent claims 13, 27, and 35 are nonobvious over Billock for the reasons discussed above in connection with independent claim 1. Billock fails to teach broadcasting content descriptor which describe available content being considered for

inclusion in a future broadcast schedule and fails to teach refining a list of available content in response to feedback to create the future broadcast schedule.

Consequently, Billock fails to teach or suggest all elements of claims 13, 27, and 35, as required under M.P.E.P. § 2143.03. Accordingly, Applicants request that the instant §103(a) rejections of claims 13, 27, and 35 be withdrawn.

The dependent claims are patentable over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 and § 103 rejections for the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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Date: Jan. 31, 2006

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